

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 20 of 2016**

M/s Mohanlal Jain Partnership Firm Registered Under The Partnership Act, Through Partner Mohanlal Jain, S/o. Girdharilal Jain, Aged About 64 Years, R/o Village Umarahad, Post. Belmand, P. S. Balod, Tahsil And District Balod (Chhattisgarh)

---- **Petitioner****Versus**

1. Chhattisgarh Rajya Sahkari Vipnan Sangh Maryadit Through Managing Director Chhattisgarh Rajya Sahakari Vipnan Sangh Maryadit, Raipur (Chhattisgarh)
2. District Manager, Chhattisgarh Rajya Sahkari Vipnan Sangh Maryadit, Balod, District Balod (Chhattisgarh)
3. Collector, Balod, District Balod (Chhattisgarh)
4. M/s Gurudev Traders Balod, Through Proprietor Mr. Manoj Kumar Jain, Dalli Chowk, Balod, Tahsil & District Balod (Chhattisgarh)

-----**Respondents**


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|---------------------------|-------------------------------------------------|
| For Appellant:            | Shri Alok Bakshi, Advocate.                     |
| For Respondents No.1 & 2: | Shri Prafull N. Bharat, Advocate.               |
| For State:                | Shri B. Gopa Kumar, Deputy<br>Advocate General. |

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**Hon'ble The Chief Justice**  
**Hon'ble Shri Justice P. Sam Koshy**

**Judgment on Board****Per Navin Sinha, Chief Justice****12/1/2016**

1. The Respondents published tender notice for transportation of paddy/ food grains and bardana for Khariff season 2015-16. Clause-5 of the Notice Inviting Tender required a transporter/bidder to disclose his EPF Code number along with the proof of EPF deposits made in the last two years by enclosing necessary challans. Clause 4 required a bidder to have experience of two years of a contract with a government or semi-government body.

2. Learned Counsel for the Petitioner submits that it was registered with EPF authorities and allotted code only in the year 2015 and was therefore not in a position to furnish proof of EPF payments made during the last two years by enclosing necessary challans. In the circumstances, it had enclosed one challan and therefore the rejection of its bid on grounds for non-compliance with Clause-5 was not justified as it was impossible of compliance.

3. Learned Counsel for Respondents No.1 & 2 submitted that since the Petitioner was admittedly not fulfilling Clause-5 of the terms of the tender, it was not found eligible and the works have subsequently been allotted to Respondent No.4. Keeping in mind the nature of transportation contract for food grains, the authorities naturally wanted experienced players only which is evident from Clause-4, mandatorily requiring a bidder to have two years experience in Government or Semi-Government Organizations along with proof of such experience.

4. We have considered the submissions on behalf of the parties and find no merit in the Writ Application. If the Respondents published a Notice Inviting Tender for transportation of food grains and incorporated a condition that the bidder must have two years experience in contract works with either Government or Semi-Government Organizations and in that background, required a bidder to furnish the EPF Code along with the proof of deposits made by enclosing EPF challans for two years, it shall not be our jurisdiction to rewrite the terms of the tender by reducing it to one year in so far as deposit of challan is concerned as in that event we would be doing complete violation to Clause-4 of the tender notice requiring the transporter to have two years experience before he could be considered eligible. There is no

challenge to Clause 4 of the tender notice or averment that the Petitioner fulfils that eligibility.

5. We therefore find no reason to interfere.

6. The Writ Petition is dismissed.

Sd/-  
(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-  
(P. Sam Koshy)  
**JUDGE**

Priya